

Mr. Chair and members of the House Agriculture Committee,

My name is Todd Devlin. I am a Prairie County Commissioner. I am also 2nd Vice President of the Montana Association of Counties (MACo). I have also acted as secretary for the MACo Public Lands Committee for at least 6 years.

I am in support of SB 284, (County authority on wild bison) that gives the same authority to Montana counties that has been given to Native American Tribal entities, that being the authority to protect the health and well being of our constituents.

There have been rumors spreading that this bill was discreetly introduced as a MACo written bill without membership approval. Even though MACo is a strong supporter of this bill, we did not write it. We discuss many bills amongst our MACo executive committee to see if we have policy that is in line to take a position. This bill was one of those bills.

In the last six plus years, MACo has discussed the bison issue at length in almost every Agricultural and Public Lands Committee meeting. We have Three policies on the books that would give direction to the MACo Executive Committee on what position (if any) to take on SB 284.

Our Policies state:

Policy #14 pg 9 - Agriculture Committee

"MACo supports the United States Department of Interior managing bison population within the boundaries of Yellowstone National Park."

My comment: This gives us direction on SB 284 by stating that we do not want bison running everywhere. That we as counties should have some authority.

Policy #30 pg 14 - Public Lands Committee

"MACo supports the designation of bison introduced into areas of the state not currently populated by bison as domestic livestock to be managed by the Montana Department of Livestock."

My comment: We are stating that we don't have a problem with a group or individuals bringing bison into our counties so long as they take responsibility of ownership, the care of, and to make certain that they are retained within the boundaries of their property, leases, and permits.

Policy #31 pg 14 - Public Lands Committee

"MACo supports requiring regulation of bison by Montana Department of Livestock to cross county lines."

My comment: We are recognizing that groups and individuals must transport bison from jurisdiction to jurisdiction to make a living with domesticated bison, just like other livestock

producers. I believe we can all support the mentality that bad things happen out there such as theft or quarantined animals being moved illegally, and we need authority and records to track. Since bison are defined as both wild and domestic livestock, the Montana Department of Livestock has every right to have all authority. It is impossible to manage both wild and domestic without this authority because it is not possible to define the difference by observation.

Below is a statute in MCA that sets precedence on what we are asking with SB 284. MCA Section 50-46-328 MCA gives the counties the authority to allow "storefront" marijuana sales or not. The intent of the statute is "to protect the health, safety, or welfare" of it's people. We are not saying "no free roaming bison" or "no wild bison". What we are saying: Give us the authority to protect what is dear to us by a process of public hearings and decision on whether it is in our county's (meaning our constituents) best interest as it relates to health, safety, and welfare.

"50-46-328. Local government authority to regulate. (1) To protect the public health, safety, or welfare, a local government may by ordinance or resolution regulate a provider or marijuana-infused products provider that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of locations where marijuana is cultivated or manufactured in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local government. (2) A local government may adopt an ordinance or resolution prohibiting providers and marijuana-infused products providers from operating as storefront businesses."

And, finally both the Senate and the House (as well as the Governor's Office) have been told that the counties want to "manage" free roaming bison or wild bison. This is absolutely incorrect and says nothing in the proposed statute that suggests that. This has been a purposeful tactic by opposition to accuse us of wanting to take away the responsibilities of Montana Fish Wildlife and Parks, when we are not. The fact is, under this proposed law, counties that allow "free roaming" or "wild" bison to be reintroduced or introduced would NOT have "management" authority. That authority would be given to Montana Fish Wildlife and Parks as current law allows.

I will put my reputation on the line by saying: SB 284 has overwhelming support by MACo membership.

Thank you for your time,

Todd Devlin,

Prairie County Commissioner
2nd VP of MACo
Chair of Eastern Plains Economic Development Corp.
Member: NACo Public Lands Steering Committee